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MAILED

JAN 04 2008

Technology Center 2100

In re Application of: OUZTS, et al. )  
Application No. 09/982,337 ) DECISION ON PETITION FOR  
Attorney Docket No. MFCP.88143 ) SUPERVISORY REVIEW  
Filed: October 18, 2001 ) UNDER 37 CFR §1.181  
For: METHOD FOR GRAPHICAL )  
REPRESENTATION OF A CONTENT )  
COLLECTION )

This is in response to the petition filed on November 13, 2007, under 37 CFR § 41.3, which is being treated under 37 CFR §1.181.

A petition under this section must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. The petition filed November 13, 2007 includes elements (1) and (2) above.

The petition is **DISMISSED (as premature)**, as indicated below.

**RECENT PROSECUTION HISTORY**

On August 17, 2007, an appeal brief was filed by Appellant.

On October 30, 2007, a Notification of Non-Compliance with 37 CFR § 41.37 was mailed to Appellant.

On November 13, 2007, the instant petition under 37 CFR §1.181 was filed, along with an amended appeal brief.

**RELIEF REQUESTED**

The instant petition under 37 CFR 1.181 requests the following relief: patent-term credit for any delaying stemming from the Office's Notice of Non-Compliant Appeal Brief.

## BASIS OF OPINION

The relevant portions of the Statutes and Rules are reproduced below. Emphasis is added to draw attention to critical phrases.

### **2730 [R-2] Applications Filed on or After May 29, 2000; Grounds for Adjustment - 35 U.S.C. 154(b)**

- (3) PROCEDURES FOR PATENT TERM ADJUSTMENT DETERMINATION.—
- (A) The Director shall prescribe regulations establishing procedures for the application for and determination of patent term adjustments under this subsection.
- (B) Under the procedures established under subparagraph (A), the Director shall —
- (i) make a determination of the period of any patent term adjustment under this subsection, **and shall transmit a notice of that determination with the written notice of allowance of the application under section 151; and**
- (ii) provide the applicant one opportunity to request reconsideration of any patent term adjustment determination made by the Director.

### **37 CFR 1.705. Patent term adjustment determination**

- (a) **The notice of allowance will include notification of any patent term adjustment under 35 U.S.C. 154(b).**

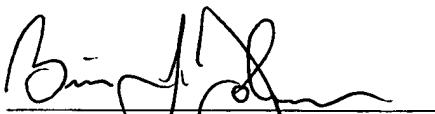
In accordance with 35 U.S.C. 154(b) and 37 CFR § 1.705 a notice of allowance, when mailed in a patent application, will include notification to Applicant of any patent term adjustment due. The instant application has not yet been allowed.

## DECISION

Accordingly, the petition is **DISMISSED** (as premature).

The application is being forwarded to the Examiner for prompt consideration of the amended appeal brief filed November 13, 2007. Note to Appellant, the filing of an amended Appeal Brief for consideration by the Examiner in response to the Notice of Noncompliant Appeal Brief renders consideration of the propriety of the notice moot.

Any inquiries related to this decision may be directed to the undersigned at (571) 272-3595.



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